

REMARKS

The Office Action mailed August 24, 2004, has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith is a Submission of Marked Up Claims.

Claims 1-17, 19 and 20 are pending in this application. Claims 1-17, 19 and 20 stand rejected.

The rejection of Claims 1-17, 19 and 20 under 35 U.S.C. § 103 as being unpatentable over Celi, Jr. et al. (U.S. Pat. No. 6,157,933) in view of Kiraly et al. (U.S. Pat. No. 6,088,731) is respectfully traversed.

Celi Jr. et al. describe a method and apparatus for loading multiple animated images on a Web page 410 during browsing over a network and having a limited bandwidth. More specifically, when a user accesses a Web page through a browser 62, if the Web page is populated with a Java animation applet and at least one Java animation image, an overall size of the Java animation image applet and an overall size of the Java default animation image are each controlled to facilitate shortening download times. After the Web page is loaded and displayed, the Java applet retrieves an image series list containing a list of related images from the Web server. Each image is then downloaded to the Java animation application and displayed such that screen transition effects are displayed between sequential Java images. The transition effects create a pseudo-visual perception to the user of not waiting for additional information to download. Moreover, the speed of the screen transition effects is set to finish when a next image in the image series is retrieved, and more specifically is set to be proportional to the time required to retrieve the next image in the image series. Notably, Celi Jr. et al. do not provide a centralized web structure that limits access to data files on the web structure to authorized individuals.

Kiraly et al. describe an intelligent assistant for use with a local computer system 112 and the Internet. The intelligent assistant automatically searches the Internet for information of particular interest to the user, and alerts the user to occurrences of updates to the sites of interest. System 112 includes a speech synthesis device 109 and a processor 101 that is programmed to execute the intelligent assistant. The assistant detects and collects

information from Web sites which have been directed on behalf and to the benefit of the user. In one embodiment, the assistant is animated and through communication with the user, may be trained/programmed to perform new actions for existing commands. For example, in one embodiment, the user may click on a word to train the assistant from a pull-down menu, and by clicking on an action button 564, will identify an animation action associated with the word to the assistant. Notably, Kiraly et al. do not provide a centralized web structure and limit access to data files on the web structure to authorized individuals.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Celi, Jr. et al. according to the teachings of Kiraly et al. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Applicants respectfully disagree with the assertion in the Office Action that Celi, Jr. et al. teach the present invention except for “activation of the animation”, and that Kiraly et al. teaches that such activation of the animation is widely known in the art. Moreover, Applicants submit that there is no teaching nor suggestion in the cited art for the claimed combination, and as such, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Specifically, Celi, Jr. et al. is cited for its teaching of a method for displaying web-based data files in an animated format, and Kiraly et al. is cited for its teaching that activation of animation is widely used in the art. Of course, such a combination, based on hindsight reconstruction, is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-20 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the combination can be found within Celi, Jr. et al. and Kiraly et al., as Celi, Jr. et al. and Kiraly et al. teach away from each other. Specifically, Celi, Jr. et al. describe a method for automatically loading multiple animated images on a Web page over a network, such that the user has no control over the animation speed or the animation activation, and in contrast, Kiraly et al. describe an animated assistant that may be used to access authorized Web sites to gather data and to communicate with the user through its animation, but does not describe nor suggest providing control of the animation speed or the animation access to the user, or limiting access to data files on the web structure to authorized individuals.

If art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Celi, Jr. et al. teaches away from Kiraly et al., and as such, there is no suggestion or motivation to combine Celi, Jr. et al. with Kiraly et al.

Moreover, no combination of Celi, Jr. et al. and Kiraly et al., describes or suggests the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method for displaying web-based data files, said method comprising the steps of “providing a centralized web structure for storing a plurality of web-based data files, limiting access to the data files to

authorized individuals, storing the plurality of web-based files within the centralized web structure, and displaying the plurality of web-based data files in a simulated animated format, such that a user controls at least one of an animation speed, and an activation of the animation.”

Neither Celi, Jr. et al. nor Kiraly et al., considered alone or in combination, describe or suggest a method for limiting access to web-based data files. Nor do Celi, Jr. et al. and Kiraly et al. display web-based data files in a simulated animated format wherein the user controls at least one of an animation speed and an activation of the animation. Rather, in contrast to the present invention, Celi, Jr. et al. describe a method for automatically loading multiple animated images on a Web page over a network that has a limited bandwidth, wherein the user has no control over the animation speed or the activation of the animation, and Kiraly et al. describe using an animated assistant to gather data from web sites, wherein the user does not have any control over animation speed or animation activation, and the intelligent assistant automatically and methodically searches the Internet for information of particular interest to the user to alert the user to occurrences of updates to the sites of interest.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Celi, Jr. et al. in view of Kiraly et al et al.

Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 likewise are patentable over Celi, Jr. et al. in view of Kiraly et al et al.

Claim 6 recites “a customer applications web-site for displaying a plurality of data files in a simulated animated format, the data files individually saved and access to the data files is limited to authorized individuals, said web site including an interactive control panel configured to permit an end-user to control the animation display including at least one of a speed of animation and an activation of the animation display.”

Neither Celi, Jr. et al. nor Kiraly et al., considered alone or in combination, describe or suggest a web site including an interactive control panel that is configured to permit an end-user to control the animation display including at least one of a speed of the animation and an activation of the animation display, wherein access to the data files is limited to authorized individuals. Rather, in contrast to the present invention, Celi, Jr. et al. describe a

method for automatically loading multiple animated images on a Web page over a network that has a limited bandwidth, wherein the user has no control over the animation speed or the activation of the animation, and Kiraly et al. describe using an animated assistant to gather data from web sites, wherein the intelligent assistant automatically and methodically searches the Internet for information of particular interest to the user to alert the user to occurrences of updates to the sites of interest. For at least the reasons set forth above, Claim 6 is submitted to be patentable over Celi, Jr. et al. in view of Kiraly et al et al.

Claims 7-12 depend from independent Claim 6. When the recitations of Claims 7-12 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7-12 likewise are patentable over Celi, Jr. et al. in view of Kiraly et al et al.

Claim 13 recites a web-based system comprising “a client system comprising a browser, a data storage device for storing a plurality of data files such that access to the plurality of data files is limited to authorized individuals, and a server system configured to be coupled to said client system and said database, said browser configured to display the data files in a simulated animated format, said browser further configured to permit an end-user to determine a sequential order of the data files.”

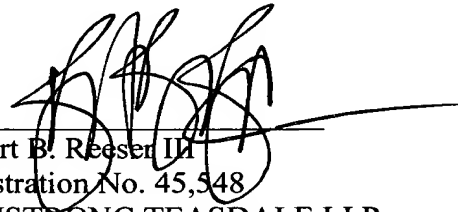
Neither Celi, Jr. et al. nor Kiraly et al., considered alone or in combination, describe or suggest a web-based system including a browser that is configured to permit an end-user to determine a sequential order of data files and limit access to the plurality of data files to authorized individuals. Rather, in contrast to the present invention, Celi, Jr. et al. describe a method for automatically loading multiple animated images on a Web page over a network that has a limited bandwidth, wherein the user has no control over the animation speed or the activation of the animation, and Kiraly et al. describe using an animated assistant to gather data from web sites, wherein the intelligent assistant automatically and methodically searches the Internet for information of particular interest to the user to alert the user to occurrences of updates to the sites of interest. For at least the reasons set forth above, Claim 13 is submitted to be patentable over Celi, Jr. et al. in view of Kiraly et al et al.

Claims 14-17, 19, and 20 depend from independent Claim 13. When the recitations of Claims 14-17, 19, and 20 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-17, 19, and 20 likewise are patentable over Celi, Jr. et al. in view of Kiraly et al et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-17, 19 and 20 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser III', is written over a horizontal line. The signature is stylized with loops and flourishes.

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